

March 3, 1980

LB 731, 731A

telephone the judge authorizes the officer to complete a duplicate search warrant and it is this duplicate search warrant that is taken by the officer and actually served upon the parties who are the subject of the warrant. The judge at the same time makes up an original search warrant, and then when the duplicate search warrant is returned, the duplicate and the original are filed together and the judge signs the duplicate before filing, and if it is not signed, it is invalid. Then if the original search warrant is lost or destroyed or any critical portion of it is unintelligible, the search warrant again is invalid as protection to people. This is basically what we are doing. It is a system that is now in use in California and a half a dozen or so other states, maybe more, I am not sure. The oral affidavit portion of the bill is already in the criminal rules of procedure so it is nothing new and revolutionary in that regard. I move that it be advanced, Mr. Speaker.

SENATOR CLARK: The question before the House is the advancement of 731. Is there any discussion? All those in favor vote aye, all those opposed vote nay. The advancement of 731. Have you all voted? Record.

CLERK: 25 ayes, sorry, 25 ayes, 1 nay on the motion to advance, Mr. President.

SENATOR CLARK: Motion carried. The bill is advanced.

CLERK: Yes, sir, 731A, title read.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Beutler, do you want to move the advancement of the A bill?

SENATOR BEUTLER: I so move, Mr. Speaker, Mr. President.

SPEAKER MARVEL: The motion is the advancement of LB 731A to E & R for review. All those in favor vote aye, opposed no. Have you all voted? The motion is the advancement of the A bill, 731A to E & R for review. Anybody else wish to vote? Record.

CLERK: 25 ayes, 0 nays on advancement of the A bill, Mr. President.

SPEAKER MARVEL: Motion carried. The A bill is advanced. The next bill is passed over at the request of the introducer. Senator Newell. Mr. Clerk, let's take up 849.